HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.16841 of 2007

Date: 09.08.2007

Between :

Smt. Kancharana Sarojini.

.....Petitioner

And

District Registrar and others.

.....Respondents.

HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.16841 of 2007

ORDER :

The petitioner claims to have purchased an extent of 200 square yards of land in Survey No.39 of Madhavadhara Village, Visakhapatnam District, through a sale deed, dated 26.09.2006 from one Sri Kancharana Narasimham, for a consideration of Rs.19,30,000/-. It is stated that the Municipal Corporation of Visakhapatnam had accorded permission for construction of a R.C.C. building on the said land. The grievance of the petitioner is that Sri Varaha Laxmi Narsimha Swami Devasthanam, 4th respondent herein, is claiming that the plot purchased by the petitioner is in Survey No.318 of Adavivaram Village belonging to it. By making reference to certain proceedings, initiated by her neighbour, the petitioner seeks a declaration to the effect that the 4th respondent-Devasthanam does not have the right to interfere with the enjoyment of the property.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The petitioner seeks almost a declaratory relief, touching upon the title. This Court cannot undertake such an exercise. The instances, referred to by the petitioner, are in relation to a plot owned by the 4th respondent. The said individual submitted an application to the Assistant Director of District Survey and Land Records, Visakhapatnam, 3rd respondent herein with a request to demarcate his plot, in the context of a claim made by the Devasthanam. Necessary survey was undertaken and the Surveyor submitted a report, dated 09.07.2004 recording his findings. That report cannot enure to the benefit of the petitioner, in its entirety. In case, the petitioner also wants her plot to be surveyed, she has to make an application to the 3rd respondent, who, in turn, shall examine the same and take necessary steps in accordance with the A.P. Survey and Boundaries Act.

Hence, the writ petition is disposed of, leaving it open to the petitioner to approach the 3rd respondent with necessary application for survey and demarcation of the plot purchased by her, through sale deed, 26.09.2007;

and the 3rd respondent, in turn, shall take necessary steps in accordance with law, within a period of two (2) months from the date of receipt of the application, duly issuing notices to the 4th respondent and other affected parties. There shall be no order as to costs.

09.08.2007

JSU